ICAYUNE, NEW ORLEANS,

'NO JUDGE PROBE PROMISE GIVEN'

McKeithen Says He Cannot Remove Judge

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(The Times-Picayune Capital Bureau)

BATON ROUGE, La. — Gov. John J. McKeithen declared Thursday he never said he would investigate Judge Malcolm V. O'Hara of New Orleans, and said he had no power to remove him.

In a press conference, McKeithen suggested the Metropolitan Crime Commission obtain 25 citizen signatures for a letter to Atty. Gen. Jack P. F. Gremillion to bring suit for O'Hara's removal.

"It strikes me that the crime commission can find 25 people . . . in those hundreds of thousands—but they write me . . . a poor country lawyer . . . to do it," McKeithen complained. "I propose to suggest to the Metropolitan Crime Commission that they exhaust their remedies locally."

The governor said he plans to meet in New Orleans with the commission next week.

The crime commission called on McKeithen in a letter asking he write Gremillion as per Article IX, Sec. 5 of the State Constitution, to bring suit to remove O'Hara on the basis of O'Hara's federal court testimony in Chicago recently that he accepted favors from and was friendly with Zachary Strate, convicted with Teamster boss James Hoffa of union pension fraud.

McKeithen pointed out that the Constitution provides the alternate of 25 citizens asking the attorney general for the suit. He added the Constitution says the attorney general "shall" (not may) bring the suit on charges contained in Sec. 1 of Art. XI (the same section says half the practicing attorneys in the district may bring the action through the attorney general.)

Asked his opinions of O'Hara's actions, McKeithen replied, "my opinion is, it's not good."

But McKeithen denied he ever promised to investigate O'Hara. Reminded he said he would in front of Aaron Kohn, director, and E. C. Upton, president, of the MCC, McKeithen refuted it. His version was that he said he "would consider the request if it was made to me."

On Sept. 6, following a meeting at the executive mansion with the MCC, newsmen asked McKiethen if he planned to look into the O'Hara matter. He replied then, "I will if I am asked to."

Newsmen then directed a question to Upton, seated next to McKeithen, whether the MCC would ask the governor. His reply: "Chances are, we will."